

REMARKS

Claims 6 to 10 are now pending in the present application.

It is respectfully submitted that all of the presently pending claims are allowable, and reconsideration is respectfully requested.

Claims 6, 7, 9, and 10 were rejected under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent No. 6,513,829 ("Zumpano") in view of U.S. Patent No. 5,748,075 ("Dirmeyer").

To reject a claim under 35 U.S.C. § 103(a), the Office bears the initial burden of presenting a *prima facie* case of obviousness. *In re Rijckaert*, 9 F.3d 1531, 1532, 28 U.S.P.Q.2d 1955, 1956 (Fed. Cir. 1993). To establish *prima facie* obviousness, three criteria must be satisfied. First, there must be some suggestion or motivation to modify or combine reference teachings. *In re Fine*, 837 F.2d 1071, 5 U.S.P.Q.2d 1596 (Fed. Cir. 1988). This teaching or suggestion to make the claimed combination must be found in the prior art and not based on the application disclosure. *In re Vaeck*, 947 F.2d 488, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991).

Also, as clearly indicated by the Supreme Court in *KSR*, it is "important to identify a reason that would have prompted a person of ordinary skill in the relevant field to combine the [prior art] elements" in the manner claimed. *See KSR Int'l Co. v. Teleflex, Inc.*, 127 S. Ct. 1727 (2007). In this regard, the Supreme Court further noted that "rejections on obviousness cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness." *Id.*, at 1396. Second, there must be a reasonable expectation of success. *In re Merck & Co., Inc.*, 800 F.2d 1091, 231 U.S.P.Q. 375 (Fed. Cir. 1986). Third, the prior art reference(s) must teach or suggest all of the claim features. *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974).

While the rejections may not be agreed with, to facilitate matters, claim 6 has been rewritten to clarify the claimed subject matter.

Claim 6, as presented, includes the feature of *at least two pressure sensors each detecting an impact to a vehicle based on adiabatic pressure increase, in which the at least two pressure sensors are connectable to the processor to communicate at least one pressure value each to the processor, the processor being configured to perform an impact sensing based on the at least one pressure value, in which the processor is connectable to at least one restraining system; and wherein the processor is connected to at least one vehicle system*

besides said at least two pressure sensors and said at least one restraining system to transmit the at least one pressure value to the at least one vehicle system.

The pressure sensor assembly of the “Zumpano” reference is wholly different than the pressure sensors as provided for by the claimed subject matter. The pressure sensor assembly of the “Zumpano” reference “is structured to detect the pressure inside a plurality of internally disposed chambers within each of the inflatable members.” (Zumpano, col. 5 lines 24-26.) The impact to the vehicle in the “Zumpano” reference is detected by “at least one of a plurality of impact sensors [that is] located on the vehicle and connected to the . . . processor [and] communicates in micro-seconds the occurrence of an impact of sufficient predetermined force to possibly cause injury to the occupant within the passenger compartment. Upon such indication, the processor activates also within micro-seconds a source of fluid or other inflatable material and/or the valve assembly to cause an initial inflation and resulting deployment of at least some of a plurality of inflatable members.” (Zumpano, col. 5 lines 46-55.) Thus, the *impact sensors* initiate the inflation and deployment of the inflatable members and once the inflatable members are deployed, the pressure sensor assembly works to detect a change in pressure within the inflatable members caused by contact with the vehicle occupant.

In stark contrast, the present application describes a device in which *the pressure sensors each detect an impact to the vehicle based on adiabatic pressure increase. The pressure sensors are connectable to a processor that is configured to perform an impact sensing based on the at least one pressure value and is connectable to at least one restraining system based on the impact sensing. The processor is also connected to at least one vehicle system besides the at least two pressure sensors and the at least one restraining system to transmit the at least one pressure value to the at least one vehicle system.* The “Zumpano” reference does not disclose or suggest these features of claim 6. Even if the pressure sensors referred to by the “Zumpano” reference (which are significantly different than the pressure sensors as provided for by the claimed subject matter) may be connected to a processor that is connected to a restraining system, *the processor is only connected to the pressure sensors and the restraining system and is not connected to any vehicle system besides the pressure sensors and the restraining system to transmit the at least one pressure value to the at least one vehicle system.*

Thus, even if the “Zumpano” reference is combined with the “Dirmeyer” reference, these claim features cannot be rendered obvious. This is because the “Dirmeyer” reference

also does not disclose or suggest pressure sensors connectable to a processor that is configured to perform an impact sensing and activate a restraining system and that *is also connected to at least one vehicle system besides the pressure sensors and at least one restraining system to transmit the at least one pressure value to the at least one vehicle system*, as provided for in the context of the claimed subject matter.

Furthermore, claim 6, as presented, includes the feature in which *the processor is connected to at least one vehicle system besides said at least two pressure sensors and said at least one restraining system to transmit the at least one pressure value to the at least one vehicle system*, as provided for in the context of the claimed subject matter. To the extent that Office is concerned that apparatus claims must be structurally distinguishable from the prior art, claim 6, as presented, is clearly distinguishable from any structure disclosed or suggested by the “Zumpano” reference.

In particular, claim 6, as presented, plainly provides that the processor must be *connected to at least one vehicle system besides the at least two pressure sensors and the at least one restraining system*. This feature covers what the device is and therefore distinguishes claim 6 from the “Zumpano” reference in terms of structure rather than function. The “Zumpano” reference does not teach the structural features of claim 6.

Also, claim 7, as presented, is not rendered obvious by the “Zumpano” reference in view of the “Dirmeyer” reference. This is because these references do not disclose nor even suggest the feature of *at least one vehicle system that is at least one of an engine injection system, an exhaust injection system, a climate-control system, a barometer function, and an altitude measuring function*, as provided for in the context of the claimed subject matter. Applicants have clarified the term *injection system* to make plainer that it means *an engine injection system or an exhaust injection system* and therefore the rejection based on an inflation system is obviated.

Accordingly, claim 6 is allowable as are its dependent claims 7, 9 and 10.

Claim 8 was rejected under 35 U.S.C. § 103(a) as unpatentable over the “Zumpano” reference in view of the “Dirmeyer” reference and further in view of U.S. Patent No. 6,269,903 (“Bohner”).

Claim 8 depends from claim 6, and is therefore allowable for the same reasons as claim 6 since the secondary “Bohner” reference does not overcome — and is not asserted to overcome — the critical shortcomings of the primary “Zumpano” reference in view of the “Dirmeyer” reference.

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In summary, all of pending claims 6 to 10 are allowable.

Conclusion

In view of the foregoing, it is respectfully submitted that all pending claims 6 to 10 are in condition for allowance. It is therefore respectfully requested that the rejections (and any objections) be withdrawn. Since all issues raised by the Examiner have been addressed, an early and favorable action on the merits is respectfully requested.

Respectfully submitted,

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